

REMARKS

Applicant has amended claims 1, 10, 14, 15, 17, 27, 31, 34, 38-40, 43, 50, 52, 58, 65, and 66 to promote clarity. No new matter has been introduced by the amendments. Claims 2, 18-20, 28, and 53-55 were previously canceled.

Claims 1, 3-17, 21-27, 29-52, and 56-66 are pending and under examination. Applicant respectfully requests that the Examiner reconsider this application, as amended, in view of the following remarks.

Rejection under 35 U.S.C. § 121

The Examiner rejects claims 1, 3-17, 21-27, 29-52, and 56-66 for indefiniteness on several grounds, each of which will be traversed below.

First, the Examiner asserts that the meaning of the word “emulgator” recited in independent claims 1, 17, 27, and 40 is not ascertainable. Applicant would like to point out that this term is well known in the art. For example, as stated in the specification, it is defined in Rompp’s Chemical Lexicon (Vol 2, 8th edition, 1981, 1126-1127). In addition, the definition also appears in the specification, i.e., “[t]he term ‘emulgator’ is understood to mean those compounds which have both a hydrophilic and a hydrophobic residue.” See paragraph 0024. As such, one skilled in the art would understand the meaning of this term as recited.

Moreover, the Examiner asserts that “obtainable by” recited in these independent claims is indefinite. Applicant has replaced it with “obtained by.”

Further, the Examiner asserts that claim 14 is not understood as the recited language is incomplete. Applicant has amended this claim to rectify the deficiency.

Finally, the Examiner asserts that “preferably” recited in claim 34 and “such as” recited in claims 10, 29, 50, and 56 are improper claim phrases. Applicant has removed these terms from the claims.

Applicant now turns to the rejection of claims 3-9, 11-13, 15, 16, 21-26, 30-39, 41-49, 51, 52, and 57-66. The Examiner rejects these claims on the ground they depend from rejected base claims 1, 17, 27, and 40. As the rejection of the base claims has been overcome, the rejection of these dependent claims should also be withdrawn.

Rejection under 35 U.S.C. § 102

The Examiner rejects claims 1, 4, 6-12, 14-17, 21-27, 30-32, 34, 36-41, 43-44, 46, 48-51, 57-59, 61, and 63-66 for anticipation, relying on König et al., U.S. Patent 5,738,912 (König). Independent claims 1, 17, 27, and 40 will be discussed first.

Claim 1 covers an emulgator-free microgel dispersion that is prepared by crosslinking a prepolymer having capped NCO groups and amino groups. Claim 17 covers an emulgator-free microgel dispersion that is prepared by crosslinking a polymer having capped NCO groups and a polymer having amino groups. Claim 27 covers an emulgator-free microgel dispersion that is prepared by crosslinking a polymer having capped NCO groups and a capped polyisocyanate compound. Claim 40 covers an emulgator-free microgel dispersion that is prepared by emulsion-polymerizing a monomer having hydroxy groups and double bonds and a polymer having capped NCO groups. In short, the microgel dispersions of claims 1, 17, 27, and 40 are emulgator-free.

König discloses a dispersion containing a polymer having blocked NCO groups and a polyamine compound. It appears to be the Examiner's position that reaction between the polymer and the polyamine compound affords a dispersion that is identical to those covered by claims 1, 17, 27, and 40.

Applicant would like to point out that each of claims 1, 17, 27, and 40 covers emulgator-free dispersion. As defined in the specification, an emulgator is a compound that has both a hydrophilic part and a hydrophobic part. See paragraph 0024. Thus, the claimed compounds do not contain compounds having both hydrophilic and hydrophobic residues.

By contrast, the König dispersion contains a polymer having both "a content of ethoxy groups (i.e., -CH₂CH₂O-)" and "a content of ionic groups." See column 1, lines 46-51. Ethoxy groups are hydrophobic and ionic groups are hydrophilic groups. The polymer is therefore an emulgator that contains both hydrophilic and hydrophobic parts. Thus, unlike the emulgator-free claimed dispersions, the König dispersion

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contains an emulgator. In other words, claims 1, 17, 27, and 40 are not anticipated by König.¹

For the reasons set for above, claims 4, 6-12, 14-16, 21-26, 30-32, 34, 36-39, 41, 43-44, 46, 48-51, 57-59, 61, and 63-66, each of which depends from claim 1, 17, 27, or 40, are also not anticipated by König.

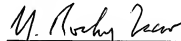
CONCLUSION

In view of the above remarks, Applicant submits that the rejections asserted by the Examiner have been overcome and claims 1, 3-17, 21-27, 29-52, and 56-66, as pending, are in condition for allowance. It is therefore requested that the Examiner promptly issue a notice of allowance.

The Petition for Extension of Time fee in the amount of \$555.00 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 68002-005US1.

Respectfully submitted,

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¹ Claims 1, 17, 27, and 40 can also be distinguished from König on an additional and independent ground. The dispersions of these claims are in the form of microgel. König is entirely silent on this feature.